

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, FEBRUARY 2, 2006, 1:00 P.M.**

CALL TO ORDER

Mareth Kipp, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Mareth Kipp	Walter Baade	Gary Goodchild
	Walter Kolb	Pat Haukohl	

Commission

Members Absent:	Betty Willert	Ellen Gennrich
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Staff

Members Present:	Richard L. Mace, Planning and Zoning Manager
	Kathy Brady, Secretary Supervisor
	Mike Radomski, Environmental Health Supervisor

Guests Present:	Eric Obarski	Henry Elling	Rob Eisenach
	Bob Buchholtz	Tony Zanon	Brian Pionke
	Jim Guzanick	Susan DeCleene	Mark Augustine
	John Stigler		

CORRESPONDENCE: None.

MEETING APPROVAL Schedule Park and Planning Commission meeting dates for June and July 2006.

The meeting dates are as follows:

June 1, 15 and 29, 2006 and
July 20, 2006

MINUTES

- *Mrs. Haukohl moved, seconded by Mr. Baade, and carried unanimously, for approval of the December 1, 2005, Minutes, as corrected.*
- *Mrs. Haukohl moved, seconded by Mr. Baade and carried unanimously, for approval of the December 15, 2005, Minutes, as corrected.*
- *Mr. Baade moved, seconded by Mr. Goodchild, and carried unanimously, for approval of the January 19, 2006, Minutes, as corrected.*

PUBLIC COMMENT

Chairperson Kipp asked if anyone from the audience wished to address the Commission? There being none, she moved to the next item on the agenda.

- **SVZ-1590 (Don Belman Homes, Inc.) City of Waukesha, Section 31 (A-T Transitional District to the R-3 Residential District)**

Mr. Mace presented the “Staff Report and Recommendation” dated February 2, 2006, and made a part of these Minutes. He pointed out the location of the property, west of C.T.H. “TT” and north of S.T.H. 18 in the City of Waukesha on the aerial photograph.

Mr. Mace indicated the northern portion of the property is being proposed to be rezoned for a residential condominium project. The area which is subject to County review is on the far north end of the property and portions of it lie within 300’ of a navigable stream, located on the adjacent property. The Planning and Zoning Division Staff asked that the wetlands be identified, however, the Developer was only able to stake the wetlands on his property, because the adjacent property owner to the north would not permit the Developer access onto his property to conduct a wetland staking. Since the location of the wetland cannot be determined, a 75’ setback is required for all buildings and will have to be from the property line rather than the wetland. The Planning and Zoning Division Staff discussed the issue with the Waukesha County Corporation Counsel and the Developer, and decided that language could be incorporated on the face of the Plat which states “No Building Permit shall be issued for a structure on Lot 4 until such time that the applicant can demonstrate the proposed building is not within 75’ of potential offsite wetlands to the north. A wetland delineation to the north must be concurred with by the Wisconsin Department of Natural Resources before issuance of said Building Permits.” Another condition of approval is that the condominium plat for Lot 4 shall be reviewed and approved by the Planning and Zoning Division Staff.

Mrs. Haukohl suggested that language be added to the “Staff Report and Recommendation” stating that Lot 4 is 8.06 acres in size. Mr. Mace indicated the correction would be made. Mrs. Haukohl asked how many units would the project contain? Mr. Obarski, replied there would be approximately 25 to 30 side-by-side ranch units. He added that the section of the property affected by the exact location of the wetland would have two courts and only the very back units (single family units) on the courts would encroach on the 75’ (yet to be determined) setback. Chairperson Kipp asked if the property would be sewerred? Mr. Mace replied, “Yes”, sewerred and watered.

After discussion, Mr. Baade moved, seconded by Mr. Kolb and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **ZT-1537A (GSG Contractors/Summit Ponds Subdivision) Town of Summit, Section 18 (A-1 Agricultural District to the R-1 Residential District)**

Mr. Mace presented the “Staff Report and Recommendation” dated February 2, 2006, and made a part of these Minutes. He pointed out the location of the property, on the west side of Golden Lake Road, south of Valley Road in the Town of Summit on the aerial photograph.

Mr. Mace indicated that in 2004, the Commission approved a rezoning for the property with conditions, however, the Waukesha County Board of Supervisors denied the rezone because of the high ground water table conditions, the amount of grading on the site, the extensive amount of fill proposed to be placed on the property and the concern of basement floors extending into the groundwater. Subsequently, in July 2005, the petitioner requested another rezoning of the property and a public hearing was held. Both the Town Plan Commission and Board approved the rezoning subject to conditions. The Planning and Zoning Division Staff and Environmental Health Division Staff

recommended that additional requirements for septic systems be incorporated into the Town's conditions. Provisions were added to pre-build all septic systems on the site before any earth altering activities occur (roads, building pads or any other grading on the site) and the Town approved and incorporated the conditions. The Planning and Zoning Division Staff is again recommending approval of the rezoning, subject to the conditions set forth by the Town in their Ordinance. Mr. Baade asked, if requiring the septic systems to be pre-built has ever been done previously? Mr. Mace replied that he thought it was the first time. Chairperson Kipp asked if building envelopes would be required? Mr. Radomski, Environmental Health Supervisor, replied, "Yes". Mr. Mace added that another reason for requiring the septic systems, is that often times the operators of the grading machinery do not stay out of areas marked for the septic systems. Mr. Kolb wondered if someone might drive over the system after it is installed? Mr. Mace replied, the Developer would be in charge of overseeing the operation or the lots new septic systems could become unusable. Mr. Baade asked if the septic systems would be conventional systems, to which Mr. Mace replied they would be mound or A+4 systems. Mr. Kolb asked if fencing could be required around the septic areas instead of pre-building the systems? Mr. Mace replied, "No" and added that the Staff is recommending pre-building the systems.

Mrs. Haukohl expressed concerns that the Waukesha County Board previously denied the rezone because of grading, high groundwater and because it was a groundwater recharge area and wondered what has been changed? Mr. Mace replied that most, if not all of the surface water on the site would stay on the site and infiltrate back into the ground. Mrs. Haukohl said, "That is not mentioned in the text of the Staff Report and Recommendation." Mr. Mace indicated that wording could be added to the Staff Report, however, the Waukesha County Storm Water Management and Erosion Control Ordinance applies, and is a requirement. Mr. Goodchild asked how many lots would the development contain? Mr. Mace replied "27".

Mr. Elling, Town Administrator, indicated there have been two subdivisions in the Town of Summit where on site septic systems have been required to be installed before any grading could occur on the sites. He further explained, that the previous design for this subdivision had clay lined stormwater detention, which would not be infiltrating. The revised plan indicates that the retention slowly percolates it into the ground and noted this is the major difference from the request proposed in 2004, which was denied. The County and Town's requirements for stormwater detention are similar and both would be enforcing the same Code. The layout design is also similar to the 2004 request, however, pre-construction of the septic systems would be required and the final Grading Plan would have retention as opposed to detention. Mrs. Haukohl asked if the Town's conditions stated "retention ponds not detention?" Mr. Elling replied "No". Mrs. Haukohl suggested language be added to the "Staff Report and Recommendation" specifying that retention ponds would be utilized and surface water would remain on the site because it was an important issue in the proposed 2004 rezoning request. Mr. Mace noted that additional language would be added.

After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". In addition, language would be added to the "Staff Report and Recommendation" dealing with storm water runoff and surface water would be retained on the site to the extent possible. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SZ-1599 (SC Soccer Club and Waukesha Blazers) Town of Waukesha, Section 7 (A-E Exclusive Agricultural and R-1 Residential Districts to the P-I Public and Institutional District)**

Mr. Mace presented the “Staff Report and Recommendation” dated February 2, 2006, and made a part of these Minutes. He pointed out the location of the property, on the west side of C.T.H. “TT” and north of Pebble Creek in the Town of Waukesha on the aerial photograph.

Mr. Mace indicated the petitioners are proposing to develop the site to include 22 soccer fields and four baseball diamonds. The property is owned by the Waukesha School District, which would lease the site to the SC Soccer and Waukesha Blazers clubs to operate 22 soccer fields and four baseball diamonds as a private operation. The clubs would utilize the property until the school district chooses to use the site for a school. The areas within 300’ of Pebble Creek are under the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance and are currently zoned A-E Exclusive Agricultural, C-1 Conservancy and R-1 Residential Districts and are being proposed to be rezoned to the P-I Public and Institutional District. The remainder of the property is under the Town’s jurisdiction and the project may be allowed, subject to a Conditional Use Permit, however, not in the C-1 Conservancy or A-E Districts.

Chairperson Kipp asked if the overall approval or denial of the project depends on the Commission’s decision? Mr. Mace replied, “No, the Commission will be deciding if rezoning the property is appropriate.” He further explained, that a Conditional Use Permit could be granted for the non-conservancy areas on the property. Mr. Kolb said at the public hearing, a substantial number of residents were opposed to the project. Mr. Mace said there is a pending Conditional Use (which the Town Plan Commission tabled) for the project on portions of the property, which are not under shoreland jurisdiction. Mr. Pionke, Town of Waukesha Planner, said the Conditional Use request was tabled by the Town giving the applicant the opportunity to redefine the intensity of the site, however, the Town recommended denial of the request for rezoning. Mr. Kolb said, normally if the Town recommends denial of a rezone the matter becomes moot. Mr. Mace responded, “No”, the Town’s decision is not required by law. Chairperson Kipp noted the proposed west bypass goes through a portion of the property. Mr. Pionke said a new plan scaling back the project is being prepared. Mr. Goodchild said he is not against the concept of a recreational park located on the property, however, he did not want to see the wetlands disturbed. Mr. Kolb asked what the percentage of wetlands were on the entire parcel? Mr. Zanon, Engineer from Jahnke & Jahnke replied, “Approximately 15% of the site”. He added, that the reason for rezoning is so grading could occur in the A-E District for some of the fields. The zoning classification for the P-I District allows for more signage needed for advertising on the outfield walls of the ball diamonds. Based upon the public hearings, some revisions have been made to the layout. Mr. Mace noted that the revisions have not been shared with Staff until this meeting. Mr. Zanon indicated there would be no grading in the floodplain, other than seeding for the practice fields on the west side of the property. Mr. Kolb wondered, since the Town already denied the rezone, shouldn’t the petitioner resolve the issues of the rezone with the Town, prior to the County’s approval? Mr. Zanon replied, that at the Town Plan Commission meeting, there was discussion regarding the future school on the property and the Plan Commission’s denial of a school being built on the property. Mr. Kolb reiterated, the Town’s approval should be obtained before the issue is brought before the County. Mr. Zanon replied, it was not their intent to bypass the Town. He added that a school will come in the future and they would like to go forward with the rezoning of the land to the Public and Institutional District. Mr. Buchholz, Waukesha County School District Business Manager, said a report was released recently regarding the growth in the western quarter and the potential for an addition onto Meadow Brook Road. He added, that the parcel in question is in the middle of the growth area. Mr. Mace asked

what type of school is anticipated? Mr. Buchholz replied, either an elementary or middle school, with the middle school possibly accommodating 6th, 7th and 8th grades. Mr. Zanon said that the school would be built on the north end of the site. If the proposal is approved, the clubs would have supplied the parking, which would benefit the future school. Mr. Kolb said there are other concerns/issues such as additional traffic, revised plans and the road itself that the Town must consider.

Mr. Pionke said the issue before the Commission is the shoreland rezoning and how it relates to the grading on the site. He added, if, in fact, a revised plan is submitted to the Town, which allows the petitioner to move forward with the development without requiring grading it would be a different circumstance. Chairperson Kipp expressed concerns regarding the Commission approving the rezoning after the Town recommended denial and what type of message it would be sending to the Town. Mrs. Haukohl said, if the rezoning does not occur, then grading would not be allowed in the floodplain areas and if the petitioner's revised plan indicates the project can proceed without grading in the floodplain then what is the purpose of the rezone request? Mr. Zanon replied there is an issue with signage. Chairperson Kipp asked if the matter could be withdrawn or tabled? Mr. Goodchild asked if the petitioner's could submit a revised plan addressing the signage so the Planning and Zoning Division Staff could review it and the matter could come back before the Commission? Mr. Zanon replied, in discussions with the Planning and Zoning Division Staff, they were informed that basically the rezone would only occur if the school is ready to be constructed on the site, because the soccer and baseball complex is not considered a public use. Mr. Eisenach, President of the Waukesha Blazer Baseball Club said the organizations are private, however, through an agreement with the School District, there would be no cost to the taxpayers and no funds would be provided by the School District. He added, the park would be open to anyone that wants to play baseball and in the agreement with the school district, any school teams would be able to use the park.

Chairperson Kipp suggested that if a new plan was submitted, the matter could be tabled and returned to the Town of Waukesha for their decision. Mr. Mace explained, even if the petitioner does not grade on the site, there would still be an issue allowing private organizations or clubs in areas, which are zoned C-1 and A-E, and in the P-I Public and Institutional District only publicly owned and operated parks and recreational areas are allowed. The property is zoned A-E on the northwest corner of the site and would have to be changed to a district that would allow a private club conditioned upon no grading or land alteration. However, in the Conditional Use provisions, private clubs are allowed in any district except the A-E and C-1 Districts. He suggested the Commission table the rezone, send it back to the Town for further consideration of rezoning the property to the P-I Public and Institutional District or other appropriate designation. In addition, a condition could be added prohibiting grading in the C-1 Conservancy and A-E District areas and to review new plans submitted by the petitioner.

After discussion, Mr. Kolb moved, seconded by Mr. Baade, carried unanimously to table the matter and refer it back to the Town of Waukesha for further consideration regarding rezoning the property to the P-I Public and Institutional District or other appropriate designation with the possible condition prohibiting grading in the C-1 Conservancy District and A-E Exclusive Agricultural Areas and to review the new plans submitted by the petitioner.

• **CU-1373 and CU-1373A (Freedom Fireworks) Town of Vernon, Section 11**

Mr. Mace presented the "Staff Memorandum" dated February 2, 2006, and made a part of these Minutes. He pointed out the location of the property at S72 W23645 National Avenue in the Town of Vernon on the aerial photograph and indicated the Commission would discuss scheduling a termination hearing for the existing Conditional Use Permit.

Mr. Mace explained, the Town advised Waukesha County that the petitioner was in violation of the existing Conditional Use Permit for the non-payment of charges and fees assessed by the Town and conforming signage. The Commission is being asked to attend a joint public hearing with the Town of Vernon on February 23, 2006, at 6:00 p.m. at the Town of Vernon Hall, to discuss the termination of the existing Conditional Use Permit for the fireworks operation. Chairperson Kipp, Mr. Baade, Mr. Kolb, Mr. Goodchild and Mrs. Haukohl indicated they would be able to attend.

After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously, for the Park and Planning Commission to conduct a Joint Public Hearing with the Town of Vernon on February 23, 2006, at 6:00 p.m. in order to discuss the termination of the existing Conditional Use(s) for the operation, in accordance with the "Staff Memorandum".

- **Amend the Regional Water Quality Management Plan for the City of Pewaukee, Section 11**

Mr. Mace presented the "Amendment to the Regional Water Quality Management Plan for the City of Pewaukee" dated December 2005, and made a part of these Minutes.

Mr. Mace indicated that approximately 0.7 acres of existing degraded Primary Environmental Corridor (PEC) northwest of the intersection of Capitol Drive and C.T.H. "F" in the City of Pewaukee would be disturbed to accommodate the construction of a school adjacent to an existing church. The PEC would be relocated, restored and re-forested in accordance with a submitted restoration plan.

After discussion, Mr. Kolb moved, seconded by Mr. Baade, and carried unanimously, for approval in accordance with the "Regional Water Quality Management Plan for the City of Pewaukee".

- **Amend the Regional Water Quality Management Plan for the Village of Menomonee Falls, Section 16**

Mr. Mace presented the "Amendment to the Regional Water Quality Management Plan for the Village of Menomonee Falls" dated December 2005, and made a part of these Minutes.

Mr. Mace indicated the area proposed to be added would accommodate five homes and a stormwater detention area on approximately five acres in size and is located north of Good Hope Road and east of Town Hall Road in the Village of Menomonee Falls.

After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously, for approval in accordance with the "Regional Water Quality Management Plan for the Village of Menomonee Falls".

- **Amend the Regional Water Quality Management Plan for the Village of Dousman, Section 33**

Mr. Mace presented the "Amendment to the Regional Water Quality Management Plan for the Village of Dousman" dated December 2005, and made a part of these Minutes.

Mr. Mace indicated the area proposed to be added is 32 acres in size and located southwest of the intersection of S.T.H. 18 and Gramling Lane in the Village of Dousman. The area will be a residential development consisting of approximately 40 homes.

After discussion, Mrs. Haukohl moved, seconded by Mr. Baade and carried unanimously, for approval in accordance with the “Regional Water Quality Management Plan for the Village of Dousman”.

ADJOURNMENT

With no further business to come before the Commission, Mr. Baade moved, seconded by Mr. Goodchild to adjourn at 3:00 p.m.

Respectfully submitted,

Pat Haukohl
Secretary

PH:kb